

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

1:41 pm, Feb 14, 2013

JEFFREY P. COLWELL, CLERK

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Leadville, CO 80461  
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February 12, 2013

Byron Rogers United States Courthouse  
901 19th Street  
Denver, CO 80294-3589

Dear US District Court,

I am filing this action under the Freedom of Information Act (FOIA) pro se as I have contacted two separate attorneys who advertise expertise in FOIA matters, one in Boulder and one in Washington, DC. Neither feels they can help me and I only have a few thousand dollars I can spend on this effort.

I have been in contact with the US Central Intelligence Agency (CIA, The Agency) in Langley, Virginia over the past year, and have included those letters that I have received. I believe these demonstrate a "good-faith" effort to resolve my claim in a non-litigious manner. I can make my case, but I am doing my best to follow the "Local Rules of Practice".

In the latest response from CIA, and after my appeal was rejected by the Agency Review Panel (ARP), the Agency stated "you have the right to seek judicial review of this determination in a United States District Court". Thus, I file this action. I do not feel a sense of contention; I believe CIA is following proper procedure as well as the Law and I have the utmost respect for the people who work in the clandestine services as well as their working as an organization.

The Washington attorney who specializes in such actions felt that the CIA response suggested the file was still operational. I can think of three reasons why that might be so, but I am speculating, somewhat. My mother's sister, Marilyn Allan, who was shot to death in Nha Trang, Vietnam in 1967, has been dead for over 45 years. My mother (Frederica Allan Conway) is still alive, Marilyn had no children, and from her 195 letters home I can substantiate that I am the only

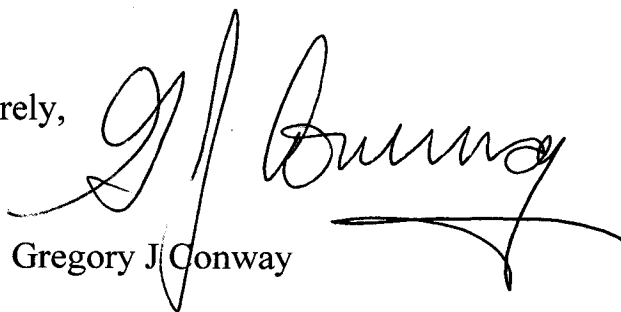
nephew/niece who corresponded with her when she was in Southeast Asia. Granted I was only seven years old (now 54). I am also the only second generation family member to take this matter seriously and with anything more than a passing interest. All others still believe the small parts of the cover story. I intend to write Marilyn's biography and I would like my mother to know that her sister was more than a "Do-Gooder nurse" whose boyfriend shot her to death somewhere in Vietnam.

My Aunt's name is Marilyn Allan, and her name is carved in stone on the USAID Memorial on the side of the Ronald Reagan USAID HQ building in Washington, DC. In the latter years of her career, I believe that was her officially designated organization.

In my correspondence with the CIA I provided my 150 page appeal which included all kinds of photos, correspondence and documents. Since that time, continuing research has further confirmed my original belief. I don't know the legal threshold for the definition of truth/certainty (such as that used in DNA analysis), but I am now moving from 99.999% certainty to 99.9999% about Marilyn's probable mission in Laos and Vietnam.

I respectfully defer to the Court's direction, ask for understanding of my awkward engineer's approach to legal matters, and ask the court for the opportunity to make my case.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Conway", with a long horizontal flourish extending to the right.

Gregory J Conway

Central Intelligence Agency



Washington, D.C. 20505

April 20, 2012

Mr. Gregory J. Conway  
2417 Chamonix Lane #9  
Vail, CO 81657

Reference: F-2012-01034

Dear Mr. Conway:

On 29 March 2012, the office of the Information and Privacy Coordinator received your 22 March 2012 Freedom of Information Act (FOIA) request for "information or records on [your] mother's sister, **Marilyn L. Allan**, deceased August 17, 1967 while secunded to the Agency from USAID." This is the final response to your request to which we assigned the above reference number for administrative purposes.

In accordance with section 3.6(a) of Executive Order 13526, as amended, the CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request. The fact of the existence or nonexistence of requested records is currently and properly classified and is intelligence sources and methods information that is protected from disclosure by section 6 of the CIA Act of 1949, as amended, and section 102A(i)(1) of the National Security Act of 1947, as amended. Therefore, the Agency has denied your request pursuant to FOIA exemptions (b)(1) and (b)(3). I have enclosed an explanation of these exemptions for your reference and retention.

As the Acting CIA Information and Privacy Coordinator, I am the CIA official responsible for this determination. You have the right to appeal this response to the Agency Release Panel, in my care, within 45 days from the date of this letter. Please include the basis of your appeal.

Sincerely,

A handwritten signature in black ink, appearing to be "Scott Koch", with a long horizontal line extending to the right.

Scott Koch, J.D., Ph.D.  
Acting Information and Privacy Coordinator

Enclosure

Central Intelligence Agency



Washington, D.C. 20505

14 June 2012

Mr. Gregory J. Conway  
2417 Chamonix Lane #9  
Vail, CO 81657

Reference: F-2012-01034

Dear Mr. Conway:

We received your 6 June 2012 letter appealing our 20 April 2012 final response to your Freedom of Information Act (FOIA) request for "information or records on [your] mother's sister, Marilyn L. Allan, deceased August 17, 1967 while seconded to the Agency from USAID."

Your appeal has been accepted and arrangements will be made for its consideration by the appropriate members of the Agency Release Panel. You will be advised of the determinations made.

In order to afford requesters the most equitable treatment possible, we have adopted the policy of handling appeals on a first-received, first-out basis. Despite our best efforts, the large number of appeals that CIA receives has created unavoidable processing delays making it unlikely that we can respond within 20 working days. In view of this, some delay in our reply must be expected, but every reasonable effort will be made to respond as soon as possible.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michele Meeks".

Michele Meeks  
Information and Privacy Coordinator

Central Intelligence Agency



Washington, D.C. 20505

28 November 2012

Mr. Gregory J. Conway  
74 W. Dream Home Dr.  
Leadville, CO 80461

Reference: F-2012-01034

Dear Mr. Conway:

This responds to your 06 June 2012 letter appealing our 20 April 2012 final response to your Freedom of Information Act (FOIA) request for information or documents concerning "Marilyn L. Allan, deceased August 17, 1967 while secunded to the Agency from USAID." In your 22 June 2012 letter indicating your change of address, you stated your belief that Marilyn L. Allan, "when her feet hit Laotian soil in 1963," was working for CIA.

The Agency Release Panel (ARP) considered your appeal and determined that the CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request, pursuant to FOIA exemptions (b)(1) and (b)(3) because the fact of the existence or nonexistence of any responsive records is, itself, classified. Exemption (b)(3) pertains to information exempt from disclosure by statute. The relevant statute is the Central Intelligence Agency Act of 1949, 50 U.S.C. § 403, as amended, e.g., Section 6, which exempts from the disclosure requirement information pertaining to the organization, functions, including those related to the protection of intelligence sources and methods, names, official titles, salaries, and numbers of personnel employed by the Agency. Therefore, in accordance with Agency regulations set forth in part 1900 of title 32 of the Code of Federal Regulations, the ARP denied your appeal. In accordance with the provisions of the FOIA, you have the right to seek judicial review of this determination in a United States district court.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele Meeks".

Michele Meeks  
Executive Secretary  
Agency Release Panel